

REMARKS

Claims 1, 2, 4, 5, 7-10 and 12 are presented for consideration, with Claims 1 and 9 being independent.

The independent claims have been amended to further distinguish Applicants' invention from the cited art. In addition, withdrawn Claims 13-24 have been cancelled, as well as Claims 25 and 26.

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment cancels claims without adding any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is submitted that entry of the Amendment is appropriate.

Claims 1 and 9 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Ward '424, Abe (JP '889) and Sumikawa '817. Claims 1, 2, 4, 5, 9-12, 25 and 26 are rejected as allegedly being obvious over Dimitrova '124 in view of Abe and Sumikawa. Finally, Claim 8 is rejected as allegedly being obvious over Dimitrova in view of Sumikawa, Abe and Ward. These rejections are respectfully traversed.

Claim 1 of Applicants' invention is directed to an image processing apparatus comprised of input means for inputting first image data and icon image data, determining means for determining a display position of the icon image, and display control means for

superimposing one of the first image and the icon image on the other and displaying the first and icon images on a monitor such that the icon image is positioned in the determined display position. The determining means determines successively a plurality of display positions different from each other as display positions of the icon image. As amended, the plurality of display positions are within a range of 1 to 5 pixels from a predetermined position.

Claim 9 relates to an image processing method and corresponds substantially to Claim 1. Claim 9 has thus also been amended to recite that a plurality of display positions of the icon image are within a range of 1 to 5 pixels from a predetermined position.

Support for the claim amendments can be found, for example, on page 15, line 23, *et. seq.*, of the specification. In accordance with Applicants' claimed invention, a high performance image processing apparatus and method can be provided.

As discussed in the previous Amendment of August 19, 2005, the primary citation to Ward relates to a system for modifying advertisement information on a display. A television screen display 10 includes picture-in-picture (PIP) windows 12, 14 and 16 (see Figure 1). The PIP windows can be moved on the screen by use of a remote controller 26.

The second primary citation to Dimitrova relates to a television receiver having a "smart" picture-in-picture (PIP). A controller 26 analyzes content of a video signal forming a main picture and can automatically adjust the size and position of the PIP image so it does not obscure an important portion of the main picture.

The secondary citation to Abe relates to a display controller having a screen saver with a screen burning prevention function and is relied upon for disclosing that a dynamic image window 42 is changed at every frame based on random numbers.

The newly cited patent to Sumikawa relates to a display apparatus and is relied upon for teaching of a second window positioned at a certain other position with respect to the cursor.

Without conceding the propriety of combining the art in the manner proposed in the Office Action, it is submitted that none of the patents discussed above teach or suggest, among other features, determining successively a plurality of display positions different from each other as display positions of the icon image, with the plurality of display images being within 1 to 5 pixels from a predetermined position. In this way, the icon image in Applicants' claimed invention is displayed in a manner not taught or suggested by the cited art. As understood, both primary citations to Ward and Dimitrova are directed to PIP displays designed to move the PIP for the purpose of repositioning and resizing it to avoid overlapping certain images. These patents are not read to successively determine a plurality of different display positions that are within a range of 1 to 5 pixels from a predetermined position. The secondary citations to Abe and Sumikawa do not compensate for these deficiencies.

Accordingly, without conceding the propriety of combining the art in the manner proposed in the Office Action, it is submitted that such combinations still fail to teach or suggest Applicants' claimed invention. Therefore, reconsideration and withdrawal of the

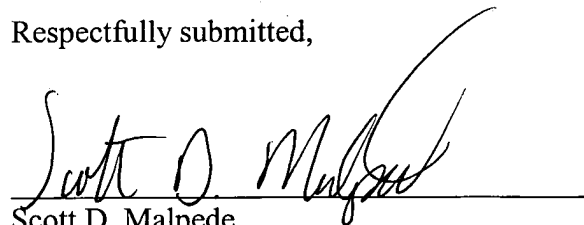
rejections of the claims under 35 U.S.C. §103 are deemed to be in order and such is respectfully requested.

It is submitted that Applicants' invention as set forth in independent Claims 1 and 9 is patentable over the cited art. In addition, dependent Claims 2, 4, 5, 7, 8, 10 and 12 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

Scott D. Malpede  
Attorney for Applicants  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SDM/vmm

DC\_MAIN 228015v1